

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case no. 04-30420

Adv. Pro. No. 04-3124

Bonita Weich,
Debtor

MBNA America Bank, NA,
Plaintiff,

ANSWER

vs.

Bonita K. Wiech,
Defendant.

Defendant Bonita K. Wiech, for her Answer to the Complaint of Plaintiff states as follows:

1. Defendant denies each and every allegation contained in the Complaint of the Plaintiff, unless otherwise admitted or otherwise qualified herein.
2. As to the allegations contained in paragraphs 2 of the Complaint of Plaintiff, defendant admits said allegations.
3. As to the allegations contained in paragraphs 1 and 7 of the Complaint of the Plaintiff, defendant is without sufficient information to either admit or deny said allegations and accordingly, puts the plaintiff to its strict proof thereof.
4. As to the allegations contained in paragraphs 3, 4, 5, 6, 8 and 9 of the Complaint of the Plaintiff, defendant denies said allegations and put the plaintiff to its strict proof thereof.

AFFIRMATIVE DEFENSES

5. That the alleged conduct of defendant does not constitute false pretenses, a false representation, actual fraud or any other conduct which would cause the alleged debt to plaintiff to be non-dischargeable pursuant to 11 U.S.C. 523, et seq.
6. The alleged charges by defendant were outside the window of time which would create a rebuttable presumption that the charges are non-dischargeable.

WHEREFORE, defendant Bonita K. Wiech prays that the plaintiff take nothing from its alleged Complaint, and that the Complaint be dismissed with prejudice.

Dated: May 20, 2004

/s/ Robert C. Black, III
Robert C. Black, III
Attorney for Respondent
Suite 190
7400 Metro Boulevard
Edina MN 55439
612-831-1454
Attorney Reg. No. 18685 MN

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In re:

Case no. 04-30420
Adv. Pro. No. 04-3124

Bonita Weich,
Debtor

MBNA America Bank, NA,
Plaintiff,

CERTIFICATE OF
SERVICE

vs.

Bonita K. Wiech,
Defendant.

Robert C. Black, III, states and affirms as follows:

On May 20, 2004, I forwarded a copy of the Answer of Defendants and Certificate of Service regarding the above-captioned matter via US Mail to the following:

Mr. David Jon Hoiland
120 S. 6th Street
#1100
Minneapolis MN 55402

US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis MN 55415

Dated: May 20, 2004

/s/ Robert C. Black, III
Robert C. Black, III

